

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL BONANO,

Plaintiff,

v.

JOHN DOE #1 Control Booth C.O.,
JOHN DOE #2 Control Booth C.O.,

Defendants.

ORDER

20-CV-6897 EAW

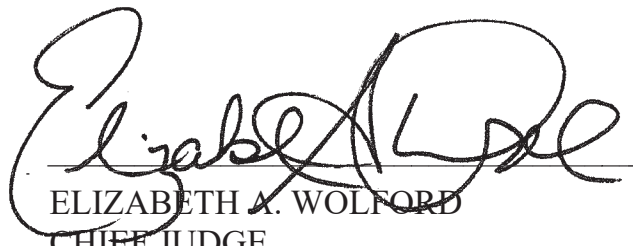
Pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 75 (2d Cir. 1997), the Court has been attempting to assist *pro se* plaintiff Michael Bonano (“Plaintiff”) in identifying the sole remaining defendants in this action, John Doe #1 Control Booth C.O. and John Doe #2 Control Booth C.O. To that end, the Court has issued several orders requesting that Plaintiff and the New York State Attorney General’s Office (“AG’s Office”) provide information that would assist in identifying John Doe #1 Control Booth C.O. and John Doe #2 Control Booth C.O. (*See* Dkt. 4; Dkt. 11; Dkt. 13).

In response to the Court’s most recent order on this subject (Dkt. 13), the AG’s Office submitted to the Court copies of the “12 block logbooks with job sight [sic] sign on and job title descriptions” for October 27, 2017 (Dkt. 15-1), and informed the Court that “pursuant to Directive No. 2011: the Disposition of Records, 2017 employee rosters have been destroyed.” (Dkt. 15). The Court mailed copies of these documents to Plaintiff.

Accordingly, it is hereby ORDERED that within **30 days** of the date of this order, Plaintiff shall file with the Court and serve upon the AG's Office a response indicating whether or not he can identify John Doe #1 Control Booth C.O. or John Doe #2 Control Booth C.O based on the information contained in the documents provided by the AG's office (Dkt. 15-1). An additional copy of those documents shall be provided to Plaintiff with this Order.

If Plaintiff fails to make a submission in accordance with this Order, his claims will be dismissed for failure to provide information that would allow defendants to be served. *See Bishop v. City of New York*, No. 13-CV-9203 AJN, 2016 U.S. Dist. LEXIS 119213, 2016 WL 4484245, at *3 (S.D.N.Y. Aug. 18, 2016) (“[I]f a plaintiff is unable to identify defendants after being afforded the opportunity for limited discovery with assistance from the Court, his claims must be dismissed.”).

SO ORDERED.



ELIZABETH A. WOLFORD
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 17, 2024
Rochester, NY